

## 10.00 HEALTH AND SAFETY

**10.01 SAFETY POLICY.** It is the policy of the county to make every effort to provide healthful and safe working conditions for all of its employees.

**10.02 EMPLOYEE RESPONSIBILITIES AND REPORTS.** Employees are responsible for conducting their work activities in a manner that is protective of their own health and safety, as well as those of other employees.

An employee must report every on-the-job accident, no matter how minor, to his or her supervisor within 24 hours. The supervisor is responsible for filing a written accident report immediately with the elected official or department head in charge, who must forward the reports to the Human Resources office, who shall also provide the information to the Health and Safety Office. The Human Resources office shall make regular reports to the Commissioners Court concerning on-the-job accidents and immediately report any serious or unusual incidents. Failure to report an on-the-job injury, no matter how minor, is grounds for disciplinary action.

**10.03 EMPLOYEE SUGGESTIONS.** Employees shall report immediately to their immediate supervisors any conditions that in their judgment threaten the health and safety of employees or visitors.

Employees are encouraged to make suggestions to their supervisors for improvements that would make the county workplace safer or more healthful.

### 10.04 ON-THE-JOB INJURIES.

**Insurance.** The county provides workers' compensation insurance for all of its employees. This insurance provides medical expenses and a weekly payment if an employee is absent from work for more than one week because of a bona fide, on-the-job, work-related injury. Workers' compensation insurance claim forms must be submitted to the Human Resources office immediately for appropriate action to be taken.

*(Legal Reference: Workers' Compensation Act, V.T.C.A., Labor Code, Chapter 504)*

**Medical Attention.** An employee who sustains a bona fide, on-the-job, work-related injury must contact the Human Resources office for information to obtain medical attention from a medical facility or professional that accepts Work Comp claims, who is an approved medical provider in the worker's compensation network, and is approved by Texas Workers Compensation Commission (TWCC); except in the case of an emergency injury when the employee or his/her representative shall notify the Human Resources office as soon as practical following the receipt of emergency attention. The county encourages employees to return to work as soon as they are able to do so. An employee

returning to work must submit a physician's statement of medical condition and release to return to work. , An employee may be required to submit to examination by an independent physician.

**Initiation of Injury Leave.** An employee who is put on leave for a bona fide, on-the-job, work-related injury will be provided with a copy of the county's policy on "On-the-Job Injuries" prior to or as soon after the beginning of the leave as is feasible. Injury leave begins on the first scheduled workday of disability and continues until the employee returns to work, his or her eligibility expires, or the employee is removed from injury leave coverage by the commissioners' court.

**Compensation.** If an employee sustains a bona fide on-the-job, work-related injury which renders him or her unfit for performing the duties of the job. The employee may choose to supplement the first seven days with full pay using any accrued leave minus deductions. When an employee misses time due to a work related injury, no accrued time will be taken, however the amount of hours missed from work will be deducted from pay unless the option to supplement the pay is made.

After the seven-day waiting period, an employee with accrued leave may elect to continue to supplement his or her workers' compensation payments with leave payments from the county, provided that the employee has adequate accrued leave. The supplemental leave check from the county will be in an amount that, when added to the workers' compensation payment, equals the employee's regular "take home" pay (that is, the employee's gross salary minus income tax, social security, and any other deductions). The employee must sign a leave request form to exercise this option.

An employee receiving workers' compensation payments does not accrue vacation or sick leave and is not entitled to receive holiday pay.

**Duration and Termination of Injury Leave.** An employee is eligible for occupational disability or injury leave only as long as the employee is unable to work as a direct result of a bona fide on-the-job, work-related injury. The maximum duration of this type of leave is one year

**Continuation of Supplemental and/or Dependent's Insurance.** To continue medical insurance for the employee and/or the employee's dependent(s) when the employee is on injury leave and no longer receiving a regular county paycheck, the county will continue to pay the county's portion of the employee's medical insurance for a period of time not to exceed 90 days following the employee's injury and after all FMLA leave, which runs concurrently with injury leave, is exhausted. Thereafter, the employee must pay both the employees and the county's portion of these insurance premiums to the county on the schedule established by the Human Resources office in order to maintain coverage.

**Exclusion.** Injuries caused by willful intent to harm self or another, intoxication, act of God, or act of a third party for personal reasons are excluded specifically from coverage by injury leave with pay.

**Reporting Requirements.** While on leave because of a bona fide, on-the-job, work-related injury, each time the employee sees the doctor for consultation or treatment, he or she must provide a progress report to the Human Resources office, which submits the report to the elected official or department head. Any change in the employee's condition which might affect his or her entitlement to workers' compensation payments must also be reported to the Human Resources office. In addition, the injured employee must contact his or her supervisor periodically to report on his or her condition. Failure to provide the required medical status reports or to contact the supervisor on the schedule required by the elected official or department head is grounds for revoking the employee's leave and for taking disciplinary action.

**Return to Service.** A written statement from an appropriate physician certifying that the employee has been released to return to work and specifying the types of work he or she is capable of performing as well as any limitation(s) must be received by the county before an employee may return to work. All employees on injury leave must return to work after approval of either the employee's attending physician or an independent physician paid by the county. Failure to return to work when directed will result in appropriate disciplinary action including discharge.

**Temporary Light Duty Status.** During the course of an occupational disability leave of absence, if an employee is released by his or her doctor for light duty, the employee's job or alternative job assignment(s) will be evaluated for a determination of whether a position is available in which the county can use the employee's limited services for a temporary period of time.

If no acceptable light duty assignment can be found, the employee will be placed on inactive status until released by the doctor and workers' compensation to return to his or her previous job.

An employee who is able to return to work in light duty status may be required to work in a different department and perform duties not contained within his or her current job duties. When an employee is assigned to temporary light duty status and performing different duties, he or she will be paid according to the level of pay that he or she would receive for the temporary light duty job if the assignment were the result of reorganization. In addition, the employee will receive workers' compensation payments in a reduced amount.

**Final Release of Settlement.** At the time of final release, the employee must furnish the county with a certificate from the employee's physician stating that the employee is able to return to work. The certificate must also specify any limitation(s) on the employee's physical condition and the estimated duration of the limitation(s). The county will then evaluate the employee's physical condition and determine whether he or she can perform the duties of the job previously held. If (a) the employee cannot perform his or her previous duties, or (b) no vacancy exists, or (c) no other suitable position is available, and (d) a reasonable effort has been made to place the employee in a suitable position, then he

or she will be separated and paid accrued benefits. If the employee is separated from county employment at this point, the Human Resources office will:

1. Send him or her a certified, return receipt requested, letter;
2. Explain the circumstances, outlining the reasonable effort made to place the employee in a suitable position; and
3. Inform the employee that he or she has been separated from county employment and that he or she will be mailed a final paycheck, if applicable, for any accrued and payable leave benefits.

**10.05 DRUG-FREE WORKPLACE.** The following policy has been adopted to implement the county's desire to establish itself as a Drug-Free Workplace:

1. All employees of the county are hereby notified that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance or alcoholic beverage is prohibited in the workplace of the county. Employees who violate this policy will be subject to immediate disciplinary action up to and including discharge.
2. The county has established a drug-free awareness program providing information about the dangers of drug and alcohol abuse in the workplace, the county's policy of maintaining a drug-free and alcohol-free workplace, information about available drug and alcohol counseling and rehabilitation, and information about the penalties that may be imposed on employees for drug or alcohol abuse violations occurring in the workplace.
3. Each employee of the county will be furnished a copy of this policy.
4. All employees of the county will abide by the terms of this policy and will notify the county of any drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
5. The county will notify any funding agency which requires notification within 10 days after receiving notice under the above paragraph from an employee or otherwise receiving actual notice of such conviction.
6. Any employee so convicted will be subject to disciplinary action up to an including immediate discharge.
7. The county will make a good faith effort to continue to maintain a drug-free and alcohol-free workplace through the implementation of this policy.

Please refer to the county's Substance Abuse Policy, a copy of which is given to every employee, for additional information and requirements related to use and abuse of alcohol and drugs.

*(Legal Reference: U.S. Drug-Free Workplace Act of 1988, as amended, and Texas Workers' Compensation Act, V.T.C.A., Labor Code, Chapter 41)*

(Refer to the Health & Safety Program Insert (pages HS-1 through HS-59) for detailed program procedures.)

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